



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID AND HAZARDOUS MATERIALS • BUREAU OF PESTICIDES MANAGEMENT
www.dec.state.ny.us

INSPECTION REPORT COVER SHEET

Inspection #: <u>072211GD901</u>	Name of Person Contacted: <u>Stephen J. Boka</u>
Name of Business: <u>Boka Farms</u>	Official Position: <u>Owner</u>
Street Address: <u>6021 Campbell Blvd.</u>	Post Office Address: <u>§ § § §</u>
City/State/Zip Code: <u>Lockport, NY 14094</u>	City/Village/Township: <u>§ § § §</u>
Telephone Number: <u>(716) 625-9664</u>	County: <u>Niagara</u>

Inspector's Initials	Name of Inspection Form	Form Number
<u>DRD</u>	Notice of Inspection	<u>NOI</u>
<u>DRD</u>	Pesticide Applicator/Business/Use Inspections	<u>USE</u>
<u>DRD</u>	Worker Protection Standard Inspection	<u>WPS</u>
	Liquid Termiticide Use Checklist	<u>TER</u>
	Ornamental and Turf Checklist	<u>T&O</u>
	Voluntary Statement	<u>VOL</u>
	Receipt for Samples	<u>SAM</u>
	Market Place/Restricted Dealers Records Inspection	<u>MKT</u>
	Market Place/Restricted Dealer Records Inspection Continuation Sheet	<u>MPC</u>
	Quarantine Order	<u>QRN</u>
	Quarantine Order Release	<u>QOR</u>
	Experimental Use Permit Checklist	<u>EUP</u>
	Authorization for Medical Record Disclosure	<u>MED</u>

Inspector's Signature: [Signature] Number: GD9 Date: 07-22-11

Inspection Acknowledgment: I acknowledge receiving a copy of the above listed inspection documents initialed by the inspector.

Signature: [Signature] Date: 7-22-11
Print Name: Stephen S. Boka



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☒ NOTICE OF INSPECTION

☒ USE/MISUSE INSPECTION

INSPECTION # 072211GD901	DATE 07-22-11	TIME 9:30 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	REGION 9
NAME OF INDIVIDUAL Stephen J. Boka		TITLE Owner	
NAME OF FIRM (Note if corporation, partnership, dba, etc.) Boka Farms			
ADDRESS This is the address of the: <input checked="" type="checkbox"/> INSPECTION SITE <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> INDIVIDUAL 6021 Campbell Blvd			
CITY / VILLAGE Lockport		STATE NY	ZIP 14094
TOWNSHIP Lockport	COUNTY Niagara	PHONE (716) 625-9664	

REASON FOR INSPECTION

- ☒ For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled and released for shipment, samples of any containers or labeling for such pesticides or devices in places where pesticides or devices are produced, or held for distribution or sale.
- ☒ For the purpose of inspecting and obtaining samples of mandated records.
- ☒ For the purpose of inspecting the use of pesticides and sampling pesticides in use to determine if they are being used in compliance with appropriate laws and rules and regulations.
- ☐ For the purpose of inspecting sites where pesticides are being used to collect data on the use of pesticides and to determine whether pesticides are being used in compliance with appropriate laws and rules and regulations.
- ☒ Other **WPS Compliance check**

VIOLATION SUSPECTED

CONSENT USE/MISUSE

Voluntary Consent Necessary to Enter for Inspection and/or Sampling.

- ☒ The undersigned hereby voluntarily consents to an inspection of **Boka Farms** of which I am the owner, Agent, or Person-in-Charge, for the purposes of gathering information and/or samples in connection with the administration and enforcement of Article 33 and Section 15-0313 of the Environmental Conservation law relating to pesticides. I understand that I have the right to refuse consent to this entry.

SIGNATURE

TITLE

DATE

07-22-11

This inspection is being performed under authority granted by Article 33 and Section 15-0313 of Article 15 of the Environmental Conservation law relating to pesticides and the Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 136 et seq.).

INSPECTOR INFORMATION

NAME Gregory Davis	TITLE Pesticide Control Specialist II	ID NUMBER GD9	PHONE NUMBER (716) 851-7220
SIGNATURE Gregory Davis	OFFICE LOCATION Buffalo	ACCOMPANIED BY Michael Nierenberg #331	

INSPECTION NUMBER 072211GD901		FIRM/FACILITY/PERSON INTERVIEWED Boka Farms / Stephen Boka		EQUIPMENT TYPE/SIZE 50 gal hyd sprayer	
TYPE OF INSPECTION: <input type="checkbox"/> Business/Agency <input checked="" type="checkbox"/> Applicator <input type="checkbox"/> Non-agricultural use <input checked="" type="checkbox"/> Agricultural use		SITE OF INSPECTION 6021 Campbell Blvd, Lockport, NY			
BUSINESS REG. NO./EXPIRATION DATE N/A		INSURANCE COMPANY/EXPIRATION DATE N/A			
APPLICATOR NAME/CERTIFICATION TYPE Stephen Boka / Private		CERTIFICATION ID P9241463		CATEGORY/EXPIRATION 23/12/21/14	
				SUPERVISED BY N/A	
DATE/TIME/WEATHER CONDITIONS DURING APPLICATION 5/14/11		CROP MUMS		SITE/SIZE #1 + #4 GREENHOUSES	
PESTICIDE NAME/EPA REG NO. SAFARI 33657-16-59634		METHOD OF APPLICATION Sprayer		CLASSIFICATION NYS RUP	
				FORMULATION WP	
				TARGET PESTS White Fly	
				LABEL RATE 8oz/1000pl	
				OBSERVED RATE 8oz/1000pl	

LABEL/EQUIPMENT REQUIREMENTS		REFERENCE SECTION	Yes	No	NA	APPLICATOR REQUIREMENTS		REFERENCE SECTION	Yes	No	NA
Label Rate Followed		325.2(b)	✓			Apprentices Properly Supervised		325.7(d)			✓
Target Pests on Label		325.2(b)	✓			Apprentices Trained/Documented		325.10(a)			✓
PPE/Cautionary Labeling Followed		325.2(b)	✓			Apprentice Variance Approved		325.10(b)			✓
Preharvest Interval/REI per Label		325.2(b)	✓			I. D. Card in Possession During Use		325.7(a)	✓		
Crop/Area Treated per Label		325.2(b)	✓			Label in Possession During Use		325.2(d)	✓		
Pesticide Containers Properly Labeled		33.1301(1)(b)	✓			Notification Requirements Met		33-0905(5)	✓		
Service Containers Properly Labeled		33.1301(1)(b)			✓	REPORTS/RECORDS		33-1205(1)	Yes	No	NA
Containers Properly Rinsed and Disposed		325.4(a)	✓			EPA Reg. No.			✓		
Backflow Prevention/Air Gap Present		325.2(c)	✓			Product Name			✓		
Proper Stickers on Equipment/Vehicles		325.26			✓	Quantity			✓		
Equipment Properly Calibrated			✓		✓	Date Applied			✓		
Storage Locked/Containers Secure			✓			Address			✓		
Warning Signs Posted			✓			Place of Application			✓		
Location of Container Disposal: DUMPSTER						Dosage Rate			✓		
Location of Pesticide Storage: HSE #5						Method of Application			✓		
Water Source: MUNICIPAL						Target Organism/Crop Treated			✓		
Pesticide Mixing Area: HSE #5						Records Kept 3 Years			✓		

INSPECTOR'S SIGNATURE:
 DATE AND TIME INSPECTED: **7/22/11 9:30am**

INFORMATION AT A CENTRAL LOCATION

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Comments (explain NA):

40 CFR 170.160

36
36

36

Comments (explain NA):

40 CFR 170.124 & 170.224

34

33

is the information exchanged? When/with whom?

PESTICIDE SAFETY TRAINING ASSURANCE

40 CFR 170.130

How to Comply Manual

Page #

WORKERS: (Applies to workers who are NOT certified applicators or trained handlers)

- ☒ NA ☒ Y ☐ N Does Ag Employer ASSURE that workers have been trained within the last five years? 25
- ☒ NA ☒ Y ☐ N Does Ag Employer ASSURE that workers have been trained *before EARLY ENTRY activities* during an REI? 25
- ☒ NA ☒ Y ☐ N Is the Ag Employer able to VERIFY that the required PESTICIDE SAFETY INFORMATION was provided to workers *before entry into any area on an ag establishment* where WPS pesticides have been applied within the last 30 days? 26
- ☒ NA ☒ Y ☐ N Does Ag Employer ASSURE that workers have received the required ADDITIONAL TRAINING *before the sixth day of entry into any area on an ag establishment* where WPS pesticides have been applied within the last 30 days? 26

HANDLERS: (Applies to handlers who are NOT certified applicators or certified crop advisers)

40 CFR 170.230

- ☒ NA ☒ Y ☐ N Does Ag Employer ASSURE that handlers have been trained within the last five years? 25/26
- ☒ NA ☒ Y ☐ N Does Ag Employer ASSURE that handlers have been trained *before performing any handling task*? 25/26

How is training verified for both workers and handlers? signed verification sheets for each employee

Comments (explain NA): owner is only applicator on the farm.

PESTICIDE SAFETY TRAINING PROGRAM

NA (if workers trained elsewhere)

40 CFR 170.130/230

- ☒ NA ☒ Y ☐ N **WORKERS & HANDLERS:** Is the information presented in a manner that the workers & handlers can understand (such as through a translator & using nontechnical terms & presenter answers questions)? 27
- ☒ NA ☒ Y ☐ N **WORKERS:** Does the PESTICIDE SAFETY INFORMATION meet the criteria listed in 170.130(c)? 26
- ☒ NA ☒ Y ☐ N **WORKERS:** Does the content of the ADDITIONAL TRAINING materials meet the criteria listed in 170.130(d)(4)? 103
- ☒ NA ☒ Y ☐ N Is trainer qualified to train WORKERS? (certified applicator or authorized by DEC) 26
- ☒ NA ☒ Y ☐ N **HANDLERS:** Does the content of the training materials meet the criteria listed in 170.230(c)(4)? 104
- ☒ NA ☒ Y ☐ N Is the trainer qualified to train HANDLERS? (certified applicator or authorized by DEC) 26

Who trains workers/handlers? Stephen Doka When/how often? when employment begins

Comments (explain NA): EPA video utilized for training

DECONTAMINATION SITES

The employer must adhere to the following decontamination requirements for **WORKERS and HANDLERS**: 40 CFR 170.112/150/250

- ☒ NA ☒ Y ☐ N Do decontamination sites have soap, single-use towels, and enough water for washing & emergency eye flushing? 29-31
- ☒ NA ☒ Y ☐ N Is the decontamination water of a quality & temperature as required? 29
- ☒ NA ☒ Y ☐ N Is one pint of eye flush water immediately available to handlers using pesticides requiring protective eye wear and *to early entry workers* when working in areas treated with pesticides requiring protective eye wear for early entry? 31/68
- ☒ NA ☒ Y ☐ N Is the decontamination site within 1/4 mile of the work site and out of areas being treated or under REI? 30/31
- ☒ NA ☒ Y ☐ N Are decontamination sites provided for workers entering treated areas until 30 days following expiration of the REI? (Exception: Pesticides with a four-hour REI require decontamination site for only seven days.) 29
- ☒ NA ☒ Y ☐ N Are decontamination sites provided for early entry workers during and after early entry? 67/68

The employer must adhere to the following decontamination requirements for **HANDLERS**:

40 CFR 170.250

- ☒ NA ☒ Y ☐ N Is enough water provided to handlers for washing the entire body in case of an emergency? 30
- ☒ NA ☒ Y ☐ N Is one clean change of clothing provided to handlers for use in an emergency? 30
- ☒ NA ☒ Y ☐ N Are decontamination supplies located at the mix/load site? 30/31
- ☒ NA ☒ Y ☐ N Are decontamination supplies for PILOTS kept in the airplane or at the aircraft loading site? 30
- ☒ NA ☒ Y ☐ N Are handler decontamination supplies kept out of treated areas unless they are in enclosed containers? 31
- ☒ NA ☒ Y ☐ N Are decontamination supplies located where handlers remove PPE for washing thoroughly after handling activities? 31

Comments (explain NA):

ADDITIONAL DUTIES FOR WORKER EMPLOYERS

40 CFR 170.110

How to Comply Manual
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RESTRICTIONS DURING APPLICATIONS

- ☒ NA ☒ Y ☐ N Are workers prohibited in treated areas during application and until REIs have expired? 45
- ☒ NA ☒ Y ☐ N Are workers prohibited in treated areas plus the additional buffer area during application in NURSERIES? 51/52
- ☒ NA ☒ Y ☐ N Are workers prohibited in a GREENHOUSE during application and until ventilation criteria are met? 53-55

NOTICE OF APPLICATIONS TO WORKERS

40 CFR 170.120

- ☒ NA ☒ Y ☐ N Are all GREENHOUSE applications posted with WPS warning signs? 42
- ☒ NA ☒ Y ☐ N Are workers given BOTH oral and posted notification when required by the pesticide label? 41-44
- ☒ NA ☒ Y ☐ N Are workers given notification of applications (EITHER orally or posted) for other applications? 41-44
- ☒ NA ☐ Y ☐ N Are workers told which method will be routinely used at this firm (oral or posted notification) - circle one 41

Who notifies workers? Stephen Boka

- ☒ NA ☒ Y ☐ N Have any early entry activities occurred?
- ☒ NA ☐ Y ☐ N Were workers informed of label restrictions re: early entry?

Posted Warning Signs ☒ NA for all

- ☒ NA ☒ Y ☐ N Does the employer use the approved WPS warning signs for posted notification? 42/43
- ☒ NA ☒ Y ☐ N Are the signs posted at all entrances of worker entry to the treated area? 42
- ☒ NA ☒ Y ☐ N Are the signs put up no sooner than 24 hours prior to application? 43
- ☒ NA ☒ Y ☐ N Are the signs removed within three days after the end of the REI? 43
- ☒ NA ☐ Y ☐ N Are the signs posted along the border of any labor camp adjacent to the treated area? 42

Oral Warnings ☒ NA for all

- ☒ NA ☐ Y ☐ N Are oral warnings given in a language (s) understood by workers? 44
- ☒ NA ☐ Y ☐ N Do oral warnings include: 1) location & description of treated area; 2) REI; 3) instructions not to enter during the REI? 44

Comments (explain NA):

ADDITIONAL DUTIES FOR HANDLER EMPLOYERS

APPLICATION RESTRICTIONS & MONITORING

☒ NA if no handlers employed 40 CFR 170.210

- ☒ NA ☒ Y ☐ N *Do both the employer & the handler assure that no pesticide is applied (either directly or through drift) so as to contact anyone other than trained and PPE-equipped handlers: 73
- How is this verified? applications take place when employees leave for the da
- ☒ NA ☐ Y ☐ N Are handlers monitored visually or by voice every two hours when handling SKULL & CROSSBONES pesticides? 73
- ☒ NA ☐ Y ☐ N Does the handler have a continuous visual or voice contact with another trained and PPE-equipped handler when handling a FUMIGANT in a GREENHOUSE? 73/74

SPECIFIC INSTRUCTIONS FOR HANDLERS

☒ NA if no handlers employed 40 CFR 170.232

- ☒ NA ☐ Y ☐ N Does the employer assure that handlers read the label or are informed (in a manner they can understand) about the label requirements for safe use before performing any handling activity? 75
- ☒ NA ☐ Y ☐ N Does the handler have access to the product labeling during handling activities? 75

SAFE OPERATION OF EQUIPMENT

☒ NA if no handlers employed 40 CFR 170.234

- ☒ NA ☐ Y ☐ N Is the handler instructed in the safe operation of handling equipment before it is used? By whom? 75
- ☒ NA ☐ Y ☐ N Is handling equipment inspected and repaired before each day of use? 77
- ☒ NA ☐ Y ☐ N Does the employer assure that only trained and PPE-equipped handlers repair, clean or adjust any handling equipment that contains pesticides or pesticide residues? 77

Comments (explain NA):

PERSONAL PROTECTIVE EQUIPMENT REQUIREMENTS FOR HANDLERS/EARLY ENTRY WORKERS

40 CFR 170.112/240

- ☒ NA ☐ Y ☐ N Does the employer provide the handler/early entry workers with the appropriate PPE in clean and operating condition? 79
- ☐ NA ☒ Y ☐ N Does the employer assure that instruction on use and cleaning of PPE is given and that it is worn and used correctly? 79
- Who gives instructions and assures use of PPE?
- ☐ NA ☒ Y ☐ N Does the employer assure that PPE is inspected, cleaned, stored properly & repaired or replaced before each day of use? 79
- ☐ NA ☒ Y ☐ N Does the employer assure that filters are replaced on respirators when required? 80
- ☐ NA ☐ Y ☐ N Do handlers/early entry workers have a clean place to store personal clothing, put on PPE and remove PPE after use? 79
- Where is it located? worker office area
- ☐ NA ☒ Y ☐ N Is contaminated PPE disposed of properly? 79
- ☐ NA ☒ Y ☐ N Does the employer take appropriate measures to prevent heat-related illness for handlers/early entry workers using PPE? 79
- ☒ NA ☐ Y ☐ N Have handlers refused to wear proper PPE? 79

From labels of agricultural pesticides documented in an accompanying AUO inspection, list the following (for up to 4 products):

	Product Name	REI	PPE
1	Safari	12hr	long pants, long sleeved shirt, nitrile gloves
2			
3			
4			

If the label for any of the above products does not include agricultural use requirements - state so above.

Comments (explain NA):

WORKER AND HANDLER INTERVIEWS

- ☒ Y ☐ N Were any workers or handlers interviewed? (circle which were) If no for either, explain why an interview was not conducted.

FAMILY ESTABLISHMENTS

40 CFR 170.104/110/112/124/224/240

- ☒ NA ☐ Y ☐ N Are employees only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, sisters? 91
- If NO, skip this section.
- ☐ NA ☐ Y ☐ N Are non-handlers prohibited in treated areas during application and until REIs have expired? 92
- ☐ NA ☐ Y ☐ N Are non-handlers prohibited in treated areas plus the additional buffer area during application in NURSERIES? 92
- ☐ NA ☐ Y ☐ N Are non-handlers prohibited in a GREENHOUSE during application and until ventilation criteria are met? 92
- ☐ NA ☐ Y ☐ N Are early entry workers prohibited in treated areas during the first four hours after application? 93
- ☐ NA ☐ Y ☐ N Are early entry workers limited to one hour of work in a 24-hour period in treated areas during the REI? 93
- ☐ NA ☐ Y ☐ N Are early entry workers who perform irrigation and limited contact activities limited to eight hours of work in a 24-hour period? 93
- ☐ NA ☐ Y ☐ N Is the correct PPE for early entry PROVIDED for early entry activities at this firm? 93
- ☐ NA ☐ Y ☐ N Does the handler at this firm wear the label-specified PPE during handling tasks? 92
- ☐ NA ☐ Y ☐ N Is the label-specified PPE for handling activities at this firm PROVIDED in clean and operating condition? 92
- ☐ NA ☐ Y ☐ N Does this establishment notify commercial handlers regarding location of treated areas and REIs on the establishment? 92
- ☐ NA ☐ Y ☐ N Do commercial handlers notify this establishment of required application information before application takes place? 92

Comments (explain NA):

Additional Comments:

Print name of inspector <u>Michael Nierenberg</u>	Print name of person interviewed <u>Stephen Boka</u>
Signature of inspector <u>[Signature]</u>	Signature of person interviewed <u>[Signature]</u>

Inspect Type	Question/Action		Y	N	N/A	Remarks
ALL*	1. Opening conference.		✓			
	2. Inspection of pesticide storage area:					
	a	Any pesticides on hand that seem inappropriate for establishment or site?		✓		
	b	Are there supplies of clean household containers that could be filled with pesticides and left with customer/tenants?		✓		
	c	Any pesticides in unlabeled packaging or "household" packaging?		✓		
	d	Are restricted use pesticides in storage?	✓			
	e	Are there security measures in place to prevent unauthorized entrance and use of pesticides?	✓			
	f	Have any pesticides been stolen/ pilfered from inventory - particularly RU or agricultural ones?		✓		
CAR	1. All CAR inspections- conduct review of Applicator records.					
	a Structural Related:	Any structural applications of seemingly inappropriate pesticides?				
	b Agricultural Related:	Has methyl parathion been used in the last year?		✓		
		Any discrepancies between amount of RU pesticides purchased and applied, or undocumented returns?		✓		
RDR	1. Is this establishment engaged in the retail sale of methyl parathion?				✓	
	2. Do purchasers produce a commodity on which the pesticide is used?					
	a	Have all sales of RUPs been made to either:				
		A person who is certified to use it?				
		An individual under the direct supervision of a currently certified applicator authorized to use the product?				
	3. Have there been sales of methyl parathion EC in the past two years?					
	a	What methyl parathion products in particular does the dealer sell? _____				
	b	What crops are the products used on? _____				
	4. If this is not a methyl parathion emulsifiable concentrate dealer, have any of the other ag pesticides referenced in attachment "5A" of URPCEP Protocol been sold for the past few years?					
	a	If not, have any other agricultural pesticides, particularly RU ones, been sold?				
	5. Does the dealer conduct audits of its pesticide inventory? How often? _____					
	6. Has there ever been an unexplained discrepancy between the amount of methyl parathion or other ag use pesticide in inventory and amount that inventory records indicate should be there?					
	a	What was the pesticide?				
	b	Was the discrepancy resolved as 1) bookkeeping error? or 2) was theft suspected?				
	7. Has methyl parathion or any RU agricultural pesticide been stolen from inventory? If yes, document particulars (i.e. person's name, the intended use of pesticide) and ask for a copy of any police report, report to the insurance company or other information relating to the theft.					
ALL*	3. Closing conference.		✓			

* When only conducting an NAUO inspection, these blocks of questions/actions are the only ones that need to be covered.



WORKER PROTECTION STANDARD AGRICULTURAL WORKER INTERVIEW QUESTIONNAIRE

Inspection # (if interview related to an inspection):	072211G-D901
Name of Establishment:	Boka Farms
Date of Interview:	07-22-11
# of Workers Interviewed:	2
Were workers accompanied by employers during interview?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Interview Conducted	<input checked="" type="checkbox"/> onsite <input type="checkbox"/> offsite

PESTICIDE SAFETY TRAINING

- Do you know what a pesticide/poison is? ☒ Yes ☐ No
Ask them to briefly explain. chemicals that kill insects
- Were you given pesticide-related instructions before you started working on this farm? ☐ Yes ☐ No
- Did you receive pesticide safety training? ☒ Yes ☐ No
If yes, what type of training did you receive?
☒ movie ☐ flip chart (bring a picture of a flip chart) ☐ lecture ☐ handbook
- Was the training in your native language? ☒ Yes ☐ No
- Was an interpreter available during the training? ☐ Yes ☐ No N/A
- Where did you receive the training? at home
- When did you receive the training? ☐ During work ☐ At lunch ☒ After work at home
- Do you know who trained you? ☒ Yes ☐ No If yes, who? Stephen Boka
- When you were trained, were you taught about how to wear special clothes (PPE) such as gloves, boots, coveralls, mask? ☒ Yes ☐ No
- When you were trained, were you taught about heat stress (eg. how to know when you've been in the heat for too long, how to avoid heat stress or what to do if you feel sick from it)? ☒ Yes ☐ No
- (Show sample worker ID card) Were you given a card like this to show that you were trained? ☐ Yes ☐ No No
Do you know of any another documentation that proves you received the required training?
☒ Yes ☐ No signed sheet
- (Show the safety poster) Where is the safety poster located? break room
- (Show an example of application records) Has anyone ever showed you where these records are kept?
☒ Yes ☐ No If yes, where are they located? greenhouse

NOTIFICATION

14. Do you know where the signs are posted about pesticides that have been used recently?
☒ Yes ☐ No

If yes, where? bookshelf

Who posts the signs? Stephen Boka

15. Are posted warning signs placed at entrances to treated areas removed when no longer applicable (within 3 days after the end of an REI)? ☒ Yes ☐ No

16. Are you told about areas that have been treated with pesticides? ☒ Yes ☐ No

How are you told? ☒ Signs ☐ Oral warning ☐ Both

17. Who tells you when you get oral warnings? _____

Is it the same person that posts the signs? ☐ Yes ☐ No

When do they post them? before application

18. Are signs and oral warnings in your native language? ☒ Yes ☐ No

Inspector note how warnings are communicated to non-English speaking workers: _____

19. (Show warning REI sign.) Do you understand what this sign means? ☒ Yes ☐ No

If yes, do you pay attention to the warning signs and not enter or cross the fields? ☒ Yes ☐ No

20. Are you told when to stay out of treated areas? ☒ Yes ☐ No

21. Are the labels for the pesticides available for you to read? ☒ Yes ☐ No

A. Are the labels in a language you can understand? ☒ Yes ☐ No

B. Where is this information? near spray records

C. Is this information always available to you? ☒ Yes ☐ No

DECONTAMINATION SUPPLIES

22. Is there ☒ water ☒ paper towels ☒ soap, available all day?

If so, where? near of greenhouse

Is this location more than 1/4 mile from the work site? ☐ Yes ☒ No (Inspector verify, if worker does not know.)

23. Is there drinking water available? ☒ Yes ☐ No

If yes, is it separate from the wash water? ☒ Yes ☐ No

EARLY ENTRY

24. Have you ever entered a field or an area of a greenhouse soon after you saw a pesticide being sprayed or were you ever told to enter such an area soon after a pesticide was used? ☐ Yes ☒ No

A. If yes, were you informed about safety information pertaining to the pesticide, such as precautions, first aid, signs & symptoms of poisoning, necessary PPE?

Or,

If you are able to read and understand pesticide labels, given access to a legible copy of the pesticide label allowed to read it for yourself?

☐ Yes ☒ No

B. If yes, were you given special clothing to wear? ☐ Yes ☒ No

C. If you did enter such an area, why?

HANDLER TASKS

25. In the past year, have you ever worked with pesticides to do any of the following?

Y/N	mixing pesticides	adding to pesticide sprayers	applying pesticides to crops	repair or clean a pesticide sprayer	other activity (briefly describe)
Yes					
No	✓	✓	✓	✓	✓

If yes, were you trained in doing that work before you did it? ☐ Yes ☒ No

EXPOSURE INCIDENTS

26. Do you know that pesticides can hurt you if they get on your skin or clothing? ☒ Yes ☐ No

27. Do you take pesticide containers home with you? ☐ Yes ☒ No

A. If yes, what do you use them for?

B. Are chemicals ever in the containers? ☐ Yes ☒ No

28. Have you ever felt as though pesticides/poisons have made you sick after working in the fields? ☐ Yes ☒ No

If yes, what were your symptoms?

29. Were you ever directly sprayed/dusted by pesticides? ☐ Yes ☒ No

If yes, approximately when and how did this happen?

30. Did you ever miss work because of being ill from pesticides? ☐ Yes ☒ No

If yes, when and where did this occur?

31. Did you tell your employer or foreman about your pesticide exposure? ☐ Yes ☐ No *N/A*

Did your employer or foreman take you to the hospital or clinic? ☐ Yes ☐ No

32. Do you know whether other workers got ill from or sprayed by pesticides? ☐ Yes ☒ No

EMERGENCY ASSISTANCE

33. Do you know where to go on your farm/greenhouse to get information about the closest hospitals/clinics (facility's name, phone number, address)? ☒ Yes ☐ No

A. Where is the information? break room

B. Is this information always available? ☒ Yes ☐ No

34. Do you know who to contact on the farm/greenhouse if you have a medical emergency while working? ☒ Yes ☐ No

35. Do you know who would take you to the hospital/clinic if you were sick from pesticides? ☒ Yes ☐ No

36. How do you or the employer report pesticide-related illnesses? on-site

RETALIATION

37. Have you ever been told to do something with pesticides on the farm (greenhouse, etc) that you thought you should not do? ☐ Yes ☒ No

38. Are you always able to do what is needed, like wear special clothing or know about pesticides used, without the employer stopping you from doing those things? ☐ Yes ☒ No

39. Have you ever complained about something relating to pesticides and your work at the farm/greenhouse and been threatened to be fired? ☐ Yes ☒ No

40. Record details about any incidents of retaliation: _____

GENERAL

41. Where do you come from? (Country or State of origin) New York State

42. Is farm work your primary job? ☒ Yes ☐ No

43. Have you worked on farms before? ☒ Yes ☐ No

A. For how many years? 3

B. How many months out of the year do you work on farms? 12

C. How long have you worked at your present farm? 10 + 4 years

Worker Protection Standard
Farm Worker Interview Questionnaire

44. In what other states have you worked on farms? Florida
45. Do you think ~~your~~ working conditions have improved or changed over the last five years?
☐ Yes ☒ No
Are conditions on some farms better than others? ☐ Yes ☒ No
46. What crops have you worked on in the last two years? Wedding plants

Division of Solid & Hazardous Materials
Article 33 and 6NYCRR 325
Assignment: Routine
Inspection Report: 072211GD901
Date of Inspection: July 22, 2011
Date of Report: July 26, 2011

Facility Inspected: Boka Farms
Person Inspected: Stephen Boka
Inspection Site: 6021 Campbell Blvd
Lockport, New York 14094
(716) 625-9664

BACKGROUND

This was a routine inspection. The following inspections were performed: Agricultural Use Observation (AUO*), Certified Applicator Records (CAR), and Worker Protection Standard (WPS).

OPENING CONFERENCE

On July 22, 2011 at 9:30am I, Gregory R. Davis, Pesticide Control Specialist I, #GD9 and Michael Nierenberg, Pesticide Control Specialist II, #331, identified ourselves and presented our New York State credentials to Mr. Stephen Boka, owner of Boka Farms. I issued a Notice of Inspection to Mr. Boka.

THE INSPECTION

Pesticide Certification:

This facility employs one Private Certified Applicator. Mr. Boka himself, certification identification number P9 241463, certified in category 23 - Vegetable, with an expiration date of 12/21/2014.

Use Observation:

I conducted an Agricultural Use Observation (AUO*) from the pesticide application records and by interviewing Mr. Boka, who conducted the application. Mr. Boka applied "Safari 20SG Insecticide", EPA registration number 33657-16-59639, a New York State registered, Special Local Needs permit for use in green houses only, SLN NY - 07 0007, product on May 14, 2011 to chrysanthemums in greenhouses #1 and #4, to control white flies. It was applied at a rate of 8 ounces per 100 gallons of water, which is within the label rate of 4.0 to 8.0 ounces per 100 gallons of water. The label also indicated a restricted entry interval of 12 hours. Mr. Boka showed us the personal protection equipment he used in accordance with the label. All other label directions appear to have been followed.

Mr. Boka showed us his backflow prevention devices attached to the municipal water line that comes into the greenhouse facility.

After viewing the pesticide storage area I completed an URPCEP checklist with Mr. Boka with no problems found.

Worker Protection Standard:

This site is approximately 35 acres, with the principal crops being bedding plants. There is one handler at this establishment. There are two permanent workers and no seasonal workers employed by the facility.

The Central Location was located in the store near the employee break room. The required EPA safety poster was displayed with the proper emergency medical information on it. Pesticide application information is displayed on application forms and placed near the entrance to greenhouse #1, and on the pesticide warning signs posted at the entrance of any greenhouse where a treatment is being made.

There have been no pesticide exposure incidents at the facility, but Mr. Boka indicated that he would be the person responsible for providing transportation to an emergency medical facility if an employee did become sick or injured by pesticides.

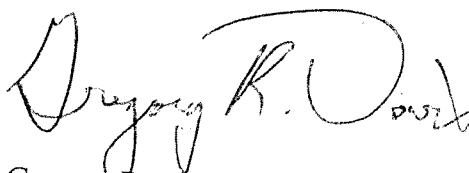
Custom pesticide applications are not made at this facility.

Mr. Boka explained that he is the only handler, and his training comes from having been privately certified since 1977. His workers have been trained and documented. Mr. Boka showed us training records for his two workers, the safety poster with medical emergency information, the decontamination site, and the location of personal protection equipment, pesticide application warning signs and application records. All appeared to be in compliance.

Specialist II Michael Nierenberg conducted worker interviews with both of the facility's two employees. They indicated that they had seen an EPA pesticide safety training video, and were knowledgeable about the information site and decontamination site, and therefore, appeared to be properly trained in compliance with the Worker Protection Standard.

CLOSING DISCUSSIONS

I reviewed all completed inspection paperwork with Mr. Boka and provided him with copies of each document. I had him read and sign the Inspection Report Cover Sheet and provided him with a copy of said document. This concluded the inspection. We thanked him for his time and left the premises.



Gregory R. Davis
Pesticide Control Specialist I
Region 9

ATTACHMENTS

- Attachment A - Inspection Report Cover Sheet
- Attachment B - Notice of Inspection
- Attachment C - Certified Applicator/Business/Use Inspections
- Attachment D - Worker Protection Standard Inspection pages 1-4
- Attachment E - URPEP form
- Attachment F - WPS Worker Interview Questionnaire